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GAMING, INC. and CORSAIR MEMORY, INC.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ASETEK DANMARK A/S,  
Plaintiff and  
Counterdefendant,

ASETEK USA, INC.,  
Counterdefendant,

v.

COOLIT SYSTEMS, INC.,  
Defendant and  
Counterclaimant,

COOLIT SYSTEMS USA INC., COOLIT  
SYSTEMS ASIA PACIFIC LIMITED, CO  
SYSTEMS (SHENZHEN) CO., LTD.,  
Defendants,

CORSAIR GAMING, INC. and CORSAIR  
MEMORY, INC.,  
Defendants.

CASE NO. 3:19-cv-00410-EMC

**FURTHER JOINT CASE  
MANAGEMENT STATEMENT**

Date: February 10, 2022  
Time: 1:00 PM  
Location: Courtroom 5, 17<sup>th</sup> Floor  
Judge: Hon. Edward M. Chen

1 Plaintiff and Counterdefendant Asetek Denmark A/S and Asetek USA, Inc. (“Asetek”) and  
 2 Defendant and Counterclaimant CoolIT Systems, Inc. and Defendants CoolIT Systems USA Inc.,  
 3 CoolIT Systems Asia Pacific Limited, CoolIT Systems (Shenzhen) Co., Ltd., Corsair Gaming, Inc.  
 4 and Corsair Memory, Inc. (collectively, “CoolIT”) jointly submit this FURTHER JOINT CASE  
 5 MANAGEMENT STATEMENT.

6 **1. Jurisdiction & Service**

7 The basis for the Court’s subject matter jurisdiction over Asetek’s claims and CoolIT’s  
 8 counterclaims are the patent laws of the United States, Title 35 of the United States Code. Specifically,  
 9 this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). All parties have been  
 10 served.

11 **2. Facts**

12 Following final written decisions from the PTAB finding the asserted claims of two Asetek  
 13 patents unpatentable, at trial Asetek plans to assert four claims from three patents, i.e., claims 17 and  
 14 19 from U.S. Patent No. 8,240,362 (“the ’362 patent”), which is not subject to IPR, and claim 6 of  
 15 U.S. Patent No. 10,613,601 (“the ’601 patent”) and claim 2 of U.S. Patent No. 10,599,196 (“the 196  
 16 patent”), on which the PTAB recently instituted IPRs.<sup>1</sup> CoolIT has filed a motion to stay the case  
 17 entirely or, in the alternative, for only claims that have not been invalidated or not subject to instituted  
 18 IPRs to advance towards trial—i.e., claims 17 and 19 of Asetek’s ’362 patent; and, claims 1, 4, 12, 14,  
 19 and 15 of CoolIT’s U.S. Patent No. 8,746,330, claims 3, 5, 15, and 20 of CoolIT’s U.S. Patent No.  
 20 9,603,284, and claims 13 and 15 of CoolIT’s U.S. Patent No. 10,274,266 (the “’266 patent”). CoolIT’s  
 21 motion is scheduled to be heard on the same day as the upcoming case management conference. The  
 22 issues and parties’ positions on that motion will not be repeated here for sake of brevity.

23 CoolIT and Corsair deny Asetek’s allegations of infringement. Dkt. Nos. 365, 366. Asetek  
 24 denies CoolIT’s allegations of infringement. Dkt. No. 273.

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 27 <sup>1</sup> Asetek’s second amended complaint alleges that CoolIT and Corsair infringe Asetek’s ’362, ’601,  
 28 and ’196 patents, and U.S. Patent Nos. 10,078,354 (“the ’354 patent”); 10,078,355 (“the ’355  
 patent”). Dkt. No. 228. The asserted claims of Asetek’s ’354 and ’355 patents were found  
 unpatentable by the PTAB in IPR decisions that Asetek has appealed to the Court of Appeals for the  
 Federal Circuit. Those patents will not be asserted in the trial scheduled for July 2022.

1       3. **Legal Issues**

- 2       a) Whether the asserted Asetek Patents are valid and enforceable;
- 3       b) Whether CoolIT infringes any valid and enforceable claim of the asserted Asetek
- 4              Patents;
- 5       c) Whether CoolIT's infringement of any valid and enforceable claim of the asserted
- 6              Asetek Patents, if any, was willful;
- 7       d) Whether the asserted CoolIT Patents are valid and enforceable;
- 8       e) Whether Asetek infringes any valid and enforceable claim of the asserted CoolIT
- 9              patents;
- 10      f) Whether Asetek's infringement of any valid and enforceable asserted claim of the
- 11              CoolIT Patents, if any, was willful;
- 12      g) Whether this case is an exceptional case under 35 U.S.C. § 285 entitling any party to
- 13              an award of attorneys' fees;

14     4. **Motions**

15     The following motion is pending and scheduled to be heard on the same day as the scheduled  
 16     case management conference as identified below:

	<b>Hearing Date</b>	<b>Description</b>	<b>Submissions</b>
1.	02/10/2022 at 1:00 p.m.	Defendants' Motion to Stay Pending Inter Partes Review	Dkt. No. 350 Dkt. No. 356 Dkt. No. 364

20     The parties also anticipate filing dispositive and Daubert motions, and may file other  
 21     appropriate motions as this case progresses.

23     5. **Amendment of Pleadings**

24     The parties' stipulated "Deadline to move to add parties or amend the pleadings" was February  
 25     12, 2021. Dkt. Nos. 222-2 (proposed scheduled), 227 (order adopting schedule).

1       6. **Evidence Preservation**

2              The parties certify that they have reviewed the Court's ESI Guidelines, and confirm that they  
 3 have discussed and taken reasonable steps to preserve ESI. Each party shall take reasonable affirmative  
 4 steps to continue to preserve evidence related to the issues presented by the action.

5       7. **Disclosures**

6              Asetek and CoolIT exchanged Rule 26(a)(1) initial disclosures on June 6, 2019. CoolIT served  
 7 supplemental disclosures on July 16, 2021. Corsair served its initial disclosures on July 16, 2021.

8       8. **Discovery**

9              Fact discovery closed on August 31, 2021. Dkt. No. 260. Expert discovery closed on January  
 10 10, 2022 (Dkt. No. 325), although Magistrate Judge Beeler has allowed Defendants two additional  
 11 hours to further depose Asetek's technical expert. The parties are discussing a date for that deposition.

12       9. **Class Actions**

13              This case is not a class action.

14       10. **IPRs and Related Cases**

15              Both parties have filed petitions seeking *Inter Partes* review of certain of the patents involved  
 16 in the present litigation, as noted in the parties' December 15, 2021 Further Joint Case Management  
 17 Statement, which is incorporated herein by reference. Dkt. No. 201 at 3-4.

18              On August 19, 2021, the PTAB issued a Final Written Decision in CoolIT's IPR2020-00523  
 19 finding the asserted claims of Asetek's '354 patent unpatentable. On the same day, the PTAB also  
 20 issued a Final Written Decision in CoolIT's IPR2020-00522 finding the asserted claims of Asetek's  
 21 '355 patent unpatentable. Asetek believes the PTAB made errors of law and has appealed these  
 22 decisions.

23              On September 30, 2021, the PTAB issued a Final Written Decision finding the asserted claims  
 24 of CoolIT's 9,057,567 patent ("the '567 patent") unpatentable in IPR2020-00747. On October 12,  
 25 2021, the PTAB issued a Final Written Decision finding the some of the asserted claims of CoolIT's  
 26 '266 patent unpatentable and some of the asserted claims patentable in IPR2020-00825. On December  
 27 2, 2021, CoolIT filed a notice of appeal on the '567 patent. On December 13, 2021, Asetek filed a  
 28 notice of appeal concerning the claims of the '266 patent that the PTAB did not find invalid.

1       Further, the PTAB issued decisions instituting *Inter Partes* Review on Asetek's '601 and '196  
2 patents on December 28, 2021 in IPR2021-01195 and IPR2021-01196.

3       11.     **Relief**

4       Each party is seeking damages for alleged infringement of its patents and a trebling of damages  
5 for alleged willful infringement; costs and attorney's fees in defending against this lawsuit; and such  
6 other relief as the Court deems just and proper. Each party believes the other is not entitled to any  
7 relief. The parties exchanged opening expert reports on infringement, invalidity, and damages on  
8 November 3, 2021, and rebuttal expert reports on December 8, 2021. Expert discovery is closed except  
9 for the additional two hours of deposition of Asetek's technical expert discussed above.

10      12.     **Settlement and ADR**

11       This case has been referred to Magistrate Judge Sallie Kim for settlement purposes. Three  
12 settlement conferences have been held, in December 2019, September 2020, and last week on February  
13 3, 2022. Magistrate Judge Kim has also scheduled a further session on May 18, 2022.

14      13.     **Consent to Magistrate Judge for All Purposes**

15       Whether all parties will consent to have a magistrate judge conduct all further proceedings  
16 including trial and entry of judgment.    \_\_\_\_ YES     NO

17      14.     **Other References**

18       This case is not suitable for reference to binding arbitration, a special master, or the Judicial  
19 Panel on Multidistrict Litigation.

20      15.     **Narrowing of Issues**

21       The parties are not currently aware of issues that can be narrowed by agreement or motion.  
22 The parties will continue to evaluate and work together to expedite the presentation of evidence at  
23 trial, but they do not have any specific joint proposals at this time.

24      16.     **Expedited Trial Procedure**

25       The parties do not believe that this is the type of case that can be handled on an expedited basis  
26 with streamlined procedures.

1   17. **Scheduling**

2                          Pursuant to the Court's October 11, 2021 Amended Scheduling Order (Dkt. No. 325) and  
 3 Order Granting the parties' Stipulated Request to Continue Dispositive Motion Deadlines (Dkt.  
 4 No. 374), the current case schedule is as follows:

5 <b>Event</b>	6 <b>Dates</b>
7                          Deadline to file dispositive motions	8                          February 24, 2022
9                          Hearing on dispositive motions	10                         March 31, 2022
11                         Meet and confer re pretrial conference statements	12                         May 16, 2022
13                         Joint pretrial conference statement/trial briefs	14                         June 7, 2022
15                         Objections due	16                         June 14, 2022
17                         Pretrial conference	18                         June 28, 2022
19                         Trial	20                         July 25, 2022
21                         Estimate of trial length (in days)	22                         10 court days

12   18. **Trial**

13                          The parties have requested that this case be tried by jury. The parties believe trial will likely  
 14 take 10 court days.

15   19. **Disclosure of Non-Party Interested Entities or Persons**

16                         **Asetek's Statement:**

17                          Asetek filed its L.R. 3-15 certification of interested parties on January 23, 2019, identifying  
 18 Asetek Holdings, Inc.; Asetek A/S; and Arbejdsmarkedets Tillaegspension.

19                         **CoolIT's Statement:**

20                          CoolIT filed its L.R. 3-15 certification on February 25, 2019. CoolIT certifies that other than  
 21 the named parties, there is no such interest to report.

22   20. **Professional Conduct**

23                          Counsel of record for the parties has reviewed the Guidelines for Professional Conduct for the  
 24 Northern District of California.

25   21. **Other**

26                         None.

1  
2 Dated: February 7, 2022  
3

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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1 Dated: February 7, 2022

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5                   *PACIFIC LIMITED, COOLIT SYSTEMS*  
6                   *(SHENZHEN) CO., LTD.*

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10                   **ATTESTATION**

11  
12                   Counsel for Asetek Danmark A/S hereby attests by his signature below that concurrence in  
13                   the filing of this document was obtained from counsel for CoolIT Systems, Inc., CoolIT Systems  
14                   USA Inc., CoolIT Systems Asia Pacific Limited, CoolIT Systems (Shenzhen) Co., Ltd., Corsair  
15                   Gaming, Inc., and Corsair Memory, Inc.

16  
17                   Dated: February 7, 2022

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